DOCUMENT RESUME

ED 137 876 CS 501 685

AUTHOR Tedford, Thomas L.
TITLE Freedom of Speech: A Selected, Annotated Basic Bibliography.
INSTITUTION ERIC Clearinghouse on Reading and Communication Skills, Urbana, Ill.; Speech Communication Association, Falls Church, Va.
PUB DATE Jan 77
NOTE 7p.

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS *Annotated Bibliographies; Books; *Censorship; *Freedom of Speech

ABSTRACT

This bibliography lists 36 books related to problems of freedom of speech. General sources (history, analyses, texts, and anthologies) are listed separately from those dealing with censorship of obscenity and pornography. Each entry is briefly annotated. (AA)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED137876

FREEDOM OF SPEECH

A Selected, Annotated Basic Bibliography

prepared by

Thomas L. Tedford

The University of North Carolina at Greensboro

January, 1977

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

For Distribution by

SPEECH COMMUNICATION MODULE

ERIC Clearinghouse on Reading

and Communication Skills

5205 Leesburg Pike

Falls Church, VA 22041

This bibliography is restricted to books on freedom of speech. Those who wish to add materials from periodicals are referred to the standard periodical indexes and to Ralph E. McCoy's Freedom of the Press: An Annotated Bibliography (Carbondale: Southern Illinois University Press, 1968). Also, current cases and reading lists are reported in the Newsletter on Intellectual Freedom, a publication of the American Library Association (50 E. Huron St., Chicago, Ill. 60611). Items with ED numbers are available through microfiche or hard copy from ERIC Document Reproduction Service(EDRS), P.O.#190, Arlington, VA 22210.

GENERAL SOURCES: HISTORY, ANALYSES, TEXTS, ANTHOLOGIES

Barron, Jerome A. Freedom of the Press for Whom? The Right of Access to Mass Media. Bloomington: Indiana University Press, 1973. ED 078639.

Law Professor Barron believes that government should affirmatively promote freedom of speech by compelling newspapers, television stations, etc. to grant "access" to those who hold minority views.

Bosmaijian, Haig A., ed. The Principles and Practice of Freedom of Speech. Boston: Houghton Mifflin, 1971.

Bosmajian's anthology-text includes classic essays on freedom of expression, readings in major American free speech crists, landmark cases of the U.S. Supreme Court, plus seven contemporary essays by First Amendment scholars.

Chafee, Zechariah, Jr. Free Speech in the United States. Cambridge, Mass.: Harvard University Press, 1964.

Chafee's First Amendment classic covers free speech controversies in the United States from World War I until 1940, emphasizing the prosecutions of the Great War, sedition, and criminal syndicalism cases.

Devol, Kenneth S., ed. Mass Media and the Supreme Court: The Legacy of the Warren Years. 2nd ed. New York: Hastings House, 1976. ED 055455, 1971 edition.

Devol has edited a superior collection of Supreme Court cases and interpretive articles focusing upon the 1960's and 1970's. He covers prior restraint, postal censorship, "obscenity," libel, privacy, and access to the media.

CS 501 685

Emerson, Thomas I. The System of Freedom of Expression (New York: Random House, 1970. (Paperback edition, Random House, 1971).

Emerson has written the most comprehensive subject-area analysis of contemporary First Amendment problems available in one volume. Also, he develops his expression-action theory of free speech.

Free Speech Yearbook. Falls Church, Virginia: Speech Communication Association (5205 Leesburg Pike, Falls Church, VA 22041). Published annually.

The Free Speech Yearbook has been published each year since 1970 by the Commission on Freedom of Speech of the SCA. It includes essays, a legal survey, and a bibliography. 1970:ED 067718; 1971: ED 063217; 1972: ED 071122; 1973: ED 088111; 1974: ED 113759; 1975: ED 113775.

Levy, Leonard W., ed. Freedom of the Press from Zenger to Jefferson. Indianapolis: Bobbs-Merrill Co., 1966.

This anthology of important American statements on freedom of the press begins with Franklin's "An Apology for Printers" (1731) and ends with an 1823 document by Jefferson. See Harold L. Nelson's companion volume.

Levy, Leonard W. Legacy of Suppression. Cambridge, Mass.: Harvard University Press, 1960. (Paperbound edition: Freedom of Speech and Press in Early American History: Legacy of Suppression, Harper Torchbook, 1963).

Levy's revisionist interpretation of the origins and original understanding of the First Amendment represents a major contribution to the study of the history of freedom speech in the United States.

Meiklejohn, Alexander. Political Freedom: The Constitutional Powers of the People. New York: Oxford University Press, 1965. (Paperbound, Galaxy Book.)

Meiklejohn's Free Speech and Its Relation to Self-Government (1948) is reprinted here, together with several of his essays. The volume includes Meiklejohn's "private-public speech" theory of the First Amendment.

Nelson, Harold L., ed. Freedom of the Press from Hamilton to the Warren Court. Indianapolis: Bobbs-Merrill Co., 1967.

This anthology of 51 documents, which includes essays and court opinions from 1801 to 1964, is a companion volume to Levy's Freedom of the Press from Zenger to Jefferson.

Nye, Russel B. Fettered Freedom: Civil Liberties and the Slavery Controversy, 1830-1860. East Lansing: Michigan State College Press, 1949. (Rev. ed., 1965).

Nye examines the slavery controversy and how it affected the freedoms of American citizens. He devotes two chapters specifically to restrictions upon freedom of speech.

O'Neil, Robert M. Free Speech: Responsible Communication Under Law. 2nd ed. Indianapolis: Bobbs-Merrill Co., 1972.

O'Neil presents a concise explanation and analysis of the major subject areas related to free speech in the United States. This inexpensive paperback makes an excellent text for study units in freedom of speech.

Pember, Don R. Privacy and the Press: The Law, the Mass Media, and the First Amendment. Seattle: University of Washington Press, 1972.

Pember writes for the layperson in this study of the conflict between the individual's right to privacy and the freedom of the press.

Press Freedoms Under Pressure: Report of the Twentieth Century Fund Task Force on the Government and the Press. New York: The Twentieth Century Fund, 1972.

This is a study of government interference with the free press by means of subpoenas, law-enforcement agents posing as newsmen, harassment of the "underground" press, and government investigations of news judgments.

Preston, William, Jr. Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933. Cambridge, Mass.: Harvard University Press, 1968.

Preston studies the "red-scare" of 1919-20 which resulted in the denial of free speech to many "radical" and "alien" groups in the United States.

Rucker, Bryce W. The First Freedom. Carbondale: Southern Illinois University Press, 1968.

Rucker analyzes the effects of monoply control of newspapers and broadcasting outlets upon the dissemination of ideas. He concludes that mergers, chains, and one-newspaper towns do reduce the public's access to a diversity of ideas.

Smith, James Morton. Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties. Ithaca, N. Y.: Cornell University Press, 1956.

This book is the definitive study of the Alien and Sedition Acts of 1798.

SPECIAL TOPICS I: DEFAMATION; ACADEMIC FREEDOM; BROADCASTING

Ashley, Paul P. Say It Safely: Legal Limits in Publishing, Radio, and Television. 4th ed. Seattle: University of Washington Press, 1969.

Ashley explains defamation, tells how to avoid it, then discusses specific areas including quotations, advertising, corrections and retractions, privacy, political broadcasts, free speech v. fair trial, and violations of copyright and literary property.

Joughin, Louis, ed. Academic Freedom and Tenure: A Handbook of the American Association of University Professors. Madison, Wis.: University of Wisconsin Press, 1967.

Joughin has edited a collection of basic documents of the AAUP concerning academic freedom, including policy statements concerning freedom of expression in academe.

Kahn, Frank J., ed. Documents of American Broadcasting. New York: Appleton-Century-Crofts, 1968.

Kahn's anthology of documents concerning broadcast regulation includes two excellent sections on First Amendment cases. His collection ends with 1967.

Lawhorne, Clifton O. Defamation and Public Officials: The Evolving Law of Libel. Carbondale: Southern Illinois University Press, 1971. ED 071081.

Lawhorne studies the changes which have occurred in the law of libel following the landmark decision of the U.S. Supreme Court in the case of New York Times v. Sullivan (1964).

Rubin, David. The Rights of Teachers. New York: Avon Books, 1972. ED 075340.

Rubin summarizes a wide range of legal rights of teachers, including First Amendment rights.

Trager, Robert. Student Press Rights: Struggles in Scholastic Journalism. Journalism Education Association/ERIC, 1974. (Available from ERIC Clearinghouse on Reading and Communication Skills, 1111 Kenyon Road, Urbana, Ill. 61801). ED 096691.

Trager has written a concise explanation of student press rights, including the limitations imposed by the laws of "obscenity," defamation, privacy, and advocacy of lawless conduct. He also discusses related student rights, including due process.

SPECIAL TOPICS II: CENSORSHIP OF "OBSCENITY" AND "PORNOGRAPHY"

Berns, Walter. Freedom, Virtue and the First Amendment. Baton Rouge: Louisiana State University Press, 1957.

Berns argues that the Supreme Court should judge artistic expression by some test other than clear-and-present danger, else "virtue" will not be adequately protected.

Bosmajian, Haig A., ed. Obscenity and Freedom of Expression. New York: Burt Franklin and Co., 1976.

This comprehensive compendium of court cases begins with Hicklin (England, 1868) and journeys to Miller (U.S., 1973). The editor includes cases of "obscenity" in books, pictures, film, theatre, broadcasting, political speech, and educational situations.

Boyer, Paul S. Purity in Print: The Vice-Society Movement and Book Censorship in America. New York: Charles Scribner's Sons, 1968.

This well-documented work surveys the history of censorship in America from the beginning of the vice society movement of the mid-nineteenth century to the 1930's.

Clor, Harry M. Obscenity and Public Morality: Censorship in a Liberal Society. Chicago: The University of Chicago Press, 1969. ED 040213-for ordering information

Clor presents a serious argument in favor of the censorship of "obscenity." His study includes an interesting effort to define "obscenity."

Craig, Alec. Suppressed Books: A History of the Conception of Literary Obscenity. Cleveland: World Publishing Co., 1963.

Craig searches for the origin of "obscenity" as a legal doctrine in England, then traces the rise of the law of "obscenity" and how it was--and still is--applied in England and the United States.

Ernst, Morris L., and Schwartz, Alan U. Censorship: The Search for the Obscene. New York: Macmillan, 1964.

The authors, both of whom are lawyers, have written a history and analysis of the "obscenity" controversy from pre-Comstock to post-Roth.

Gardiner, Harold G. Catholic Viewpoint on Censorship. Garden City, N. Y.: Doubleday, 1958.

Father Gardiner's book is a widely-quoted "standard" volume on why Catholics believe that censorship of sexual materials is justified.

Haney, Robert W. Comstockery in America: Patterns of Censorship and Control. Boston: Beacon Press, 1960.

Censorship opponent Haney wrote this book in reply to Gardiner's Catholic Viewpoint on Censorship.

Hart, Harold H., ed. Censorship: For and Against. New York: Hart Publishing Co., 1971.

Hart's collection of twelve essays on the censorship of sex includes pro and con viewpoints of well-known writers.

Hughes, Douglas A., ed. Perspectives on Pornography. New York: St. Martin's Press, 1970.

Hughes has edited a collection of fourteen essays by "distinguished novelists and critics" on the subject of "pornography." The essays focus upon the written word.

Paul, James C. N., and Schwartz, Murray L. Federal Censorship: Obscenity in the Mail. New York: The Free Press of Clencoe, Inc., 1961.

The authors have written a history and analysis of the efforts of the U.S. Government to censor "obscenity" in the mails. They include a discussion of the effects of postal censorship upon individual freedom.

The Report of the Commission on Obscenity and Pornography. Washington, D. C.: U.S. Government Printing Office, 1970. (Also available, with special introduction by Clive Barnes, from Bantam Books.)

This report includes the recommendations of the majority of Commissioners that consenting adults be allowed to make their own decisions about explicit sexual materials, without government interference. The minority dissent is included.

Zurcher, Louis A., Jr., and Kirkpatrick, George. Citizens for Decency: Antipornography Crusades as Status Defense. Austin: University of Texas Press, 1976.

Sociologists Zurcher and Kirkpatrick, using controlled systems of data collection, employ social movement theory in analyzing two anti-pornography crusades. The result is a unique study in the area of censorship.